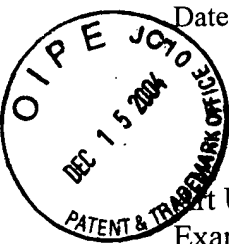


Express Mail Label No.: EV475167645US  
Date of Deposit: December 15, 2004

Attorney Docket No. 23239-301C

AF/EFW  
1635  
B



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Unit: 1635  
Examiner: Janet L. Epps-Ford  
Appellants: Ellington et al.  
Serial No.: 09/883,119  
Filed: June 14, 2001  
For: Regulatable, Catalytically Active Nucleic Acids

Boston, MA 02111  
December 15, 2004

**Mail Stop Appeal Brief--Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in the present application are the following documents:

1. Appeal Brief (17 pages including Claims Appendix ) (in triplicate);
2. Check #19770 in the amount of \$250.00 to cover the Appeal Brief filing fee;
3. Request for Oral Hearing Before the Board of Patent Appeals and Interferences (in triplicate) (1 page);
4. Check #19772 in the amount of \$500.00 to cover the Request for Oral Hearing fee; and
5. Return Postcard.

Although applicants believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 23239-301C). A duplicate copy of this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

*Ivor R. Elrifi*  
for: Ivor R. Elrifi, Reg. No. 39,529  
Attorney for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
Customer No. 30623